

Entered - 10/17/00 - sb
CL 00L0629 - GWENDOLYN BURNS

00-*R*-1811

CLAIM OF: ANNIE M. CARR
4297 N. Ridge Trail
Ellenwood, Georgia 30294

For property damages alleged to have been sustained when a parked vehicle was flooded on September 21, 2000 at 800 Cherokee Avenue.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Annie M. Carr** the sum of **\$615.14** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained when a parked vehicle was flooded on September 21, 2000 at 800 Cherokee Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0629

Date: November 2, 2000

Claimant /Victim ANNIE M. CARR
BY: (Atty) (Ins. Co.) _____
Address: 4297 N. Ridge Trail, Ellenwood, Georgia 30294
Subrogation: _____ Claim for Property damage \$ 615.14 Bodily Injury \$ _____
Date of Notice: 10/17/00 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/21/00 Place: 800 Cherokee Avenue - Cyclorama Parking Lot
Department PUBLIC WORKS Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant's parked vehicle sustained water damage when it was flooded during a heavy rain. An investigation determined that the storm drain located next to claimant's vehicle was unable to accommodate the heavy volume of storm water during the rain. This has been a continuous problem and the City had prior knowledge of this condition.

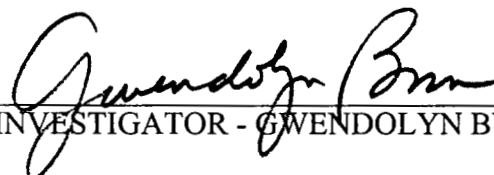
INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

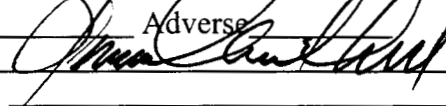
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 615.14 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 11-02-00
Committee Action: _____ Council Action _____

Annie M. Carr
4297 N. Ridge Trl
Ellenwood, Ga. 30294

Oct. 10, 2000

Ms. Burns,

ENTERED - 10-17-00 - SB
00L0629 - GWEN BURNS

BURNS
10/17/00
Gwen

This is now the 3rd time my property
has been damaged while on work premises

of the Atlanta Cyclorama (1996 & 1997)

It took one year each to be reimbursed,

This year the cost was \$615.14 out of
pocket.

Any & all assistance would be appreciated
regarding my losses. Please tell me if won't
take 1 year to be paid back.

My last Claim was # 97L0537,

I understand procedures but stop & be
me a moment & my losses. Unexpected money
I did not have but had to borrow.

Advance Thanks

Mrs. Annie M. Carr, Security
% Cyclorama Museum.

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0629

\$ 615.14

IN CONSIDERATION of the sum of SIX HUNDRED AND FIFTEEN AND 14/100
DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of property damage sustained when a parked vehicle was flooded
which occurred on or about the 21st day of September, 2000,
at or near 800 Cherokee Avenue

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 30 day of October, 2000

Annie M. Carr (LS)
ANNIE M. CARR

The above release was read and explained to, and signed by the said

Annie M. Carr
(Annie M. Carr)

in our presence on the date above written.

Betty V. Shockley
Kimberley Chaves
WITNESSES

00-R-1811